



DIVISION OF DISABILITY AND ELDER SERVICES

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To:	Area Administrators/Assistant Administrators	02
	Bureau Directors	02
	County Department of Human Services Directors	02
	County Mental Health Coordinators	02
	Tribal Chairpersons/Human Services Facilitators	02
	Certified Outpatient Mental Health Clinics	02
	Community Substance Abuse Service Providers	02
	Hospitals	HSP-04

From: Joyce Allen, Director, Bureau of Mental Health and Substance Abuse Services
Cris Ros-Dukler, Director, Bureau of Quality Assurance

**Variance for Recognizing the Practice and Role of the Advanced Practice Nurse Prescriber
in Certified Programs**

The purpose of this memorandum is to address the roles served by advanced practice nurse prescribers (APNP) in certified community support programs (CSPs) and in outpatient mental health clinics. This clarification and variance do not limit the scope and practice of the APNPs. Their practice continues to be governed by their credentialing requirements found in Wisconsin Administrative Code Chapter N8 and is under the jurisdiction of the Department of Regulation and Licensing. The variance provides the flexibility for CSPs and outpatient mental health clinics to utilize APNPs to serve their clients.

APNPs not Recognized by HFS 61 and HFS 63

Chapters HFS 63 and s. HFS 61.91 of the Wisconsin Administrative Code, relating to CSPs and mental health outpatient clinics, respectively, do not list APNPs as program personnel. HFS 61 and HFS 63 were promulgated before 1996, the year the Wisconsin Board of Nursing adopted Chapter N 8 of the Wisconsin Administrative Code, relating to certification of APNPs. Chapter N 8 outlines the education, training and experience requirements that a registered nurse must meet to be an APNP.

The Department initiated a review of the requirements established in Chapter N 8 and their relationship to the provision of services in CSPs. After collaborating with stakeholders and nursing professionals, the Department approved "pilot" variances to s. HFS 63.06(2) and s. HFS

63.06(4) in 2002 and 2003. To recognize the value of APNPs in improving access to mental health treatment and services, the Department has decided to issue a statewide variance.

Statewide Variance to CSP and Outpatient Mental Health Clinic Requirements

The Department hereby grants a statewide variance to the following requirements subject to the conditions outlined below:

- Section HFS 61.96(1)(a) of the mental health outpatient clinic requirements; and
- Sections HFS 63.06(2) and HFS 63.06(4) for community support programs.

Although some certified clinics have utilized APNPs since 1996, effective immediately, this variance will be the sole method for the utilization of APNPs for prescribing purposes. This variance recognizes that APNPs can serve to supplement existing physician/psychiatric time required in CSPs and the need for APNPs to serve as program personnel in outpatient mental health clinics. This variance also recognizes the provisions of ss. N8.06 and N8.07.

Providers electing to utilize the APNP in these certified programs must demonstrate to the Bureau of Quality Assurance (BQA) licensing specialist during the site review that they have developed and implemented a written policy for utilizing the APNP in delivering CSP and outpatient mental health services. Certified programs that intend to utilize the services of an APNP must notify their program certification specialist in writing to document the timetable for implementing APNP services.

Conditions of Variance

1. APNPs are included as Program Personnel in Outpatient Mental Health Clinics, and will practice as allowed in N 8.
2. APNPs will supplement existing psychiatry time available, not replace the psychiatrist in the provision of services. In CSPs, the psychiatrist will be responsible for the initial in-depth psychiatric assessment of all CSP clients, including the development of a working diagnosis and assuring the need for CSP services. The CSP psychiatrist will also be responsible for assessing the need for further medical evaluation and for making the initial determination for medical/pharmacological treatment. The APNP may conduct the aforementioned activities in collaboration with a psychiatrist.
3. APNPs in Certified Outpatient Mental Health Clinics and CSPs shall have Board Certification as an Advanced Practice Psychiatric-Mental Health Nurse. [Note: This provision will require Board Certification for any APNP working in this setting.]
4. Collaboration must be documented, in keeping with the provisions of s. N8.10, and available for review, when requested, by BQA staff.

5. All remaining requirements in HFS 61 and HFS 63 remain unchanged unless the Department has previously issued a variance or waiver.

APNPs Serving as a Psychotherapist in Mental Health Outpatient Clinics

APNPs who wish to provide psychotherapy services in mental health outpatient clinics must continue to meet the mental health professional requirements found in s. HFS 61.96(1)(b) and s. HFS 61.96(3). The statewide variance granted to s HFS 61.96(1)(a) does not affect those requirements.

Exception: APNPs who have been issued a license by the Wisconsin Department of Regulation and Licensing under Chapter MPSW 3, Chapter MPSW 11, and Chapter MPSW 16 for social workers, professional counselors, and marriage and family therapists need only send a copy of the license to BQA for approval as a mental health professional.

Rescinding the Variance

The Department may revoke any variance if, for example, it determines that patient needs are not being met with continued approval of this variance; or, if the health, safety, or welfare of any patient is jeopardized.

Note: Granting this variance does not constitute granting a variance of a Medicaid (Title XIX or Medical Assistance) requirement. The Bureau of Quality Assurance does not have authority to grant waivers or variances for Medicaid rules. Please contact Christine Wolf at (608) 266-9195 for further information about requirements for Medicaid.

If you have questions about this variance, please contact Mark Hale in the Program Certification Unit at (608) 243-2087.

cc: Jeff Hinz, Section Chief, Bureau of Mental Health and Substance Abuse Services
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